

New Shoreham Town Council
Town Hall, Old Town Road, Block Island
Wednesday, May 15, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present was Town Manager Nancy O. Dodge and Attorney Katherine Merolla. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

Public Input Christopher Blane asked that cars be prohibited from parking on West Side Road between the Narragansett Inn and Ballard's Marina.

1. Public Hearings: Proposed Amendment to New Shoreham's Revised Ordinances:

- Chapter 17, Section 1 "Excise tax reduction"

The First Warden opened the hearing at 7:06. There was no comment from the public. The change would reduce the tax exemption for vehicles from \$6,000 to \$1,000. The concept was discussed during budget hearings and is incorporated into the Town's fiscal year 2014 budget.

Mr. McGarry moved to adopt the ordinance amendment as advertised. Motion seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

The public hearing was closed at 7:08.

- Chapter 9 Sections 138 and/or 140 "Golden Shellfish Licenses"

The First Warden opened the hearing at 7:08. Golden shellfish licenses are year round licenses which currently cost \$1 and are available to anyone over 65. Two options were advertised. One would eliminate the golden shellfish license category, the other would remove references to the price of the license from the ordinance. Shellfish Commission Chair Hermann Gempp, BIRA Board member Bill Penn, and Chris Blane spoke for keeping the license and charging \$10. Mr. Gempp said the Commission does not need the small amount of extra revenue a \$20 golden license would generate. He said the Commission would be concentrating on managing softshell clams, mussels, and scallops this year. Discussion ensued.

Mr. Lacoste moved to adopt the changes advertised as "Amendment A" to New Shoreham General Ordinances 9-140 which would retain the golden shellfish license category intact but remove the price from the ordinance. Seconded by Mr. McGarry.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

The public hearing was closed at 7:25.

2. Act on proposed changes to the TNS Fee Schedule

Changes to fees of Building Department, Harbors, Shellfish Licenses and Recreation Department discussed during the budget process were circulated for adoption.

Mr. Warfel moved, seconded by Mr. Lacoste, to adopt the changes as presented with the exception of the golden shellfish license fee which will be \$10.

Ayes: 3 (Lacoste, Pike, Warfel)

Nays: 2 (Gaffett, McGarry)

3. Receive and act on recommendations of the Commission on Motor Vehicle for Hire:

- grant taxi license to James Murphy
- transfer taxi license to Kristine Monje

Mr. Pike moved, seconded by Mr. Warfel, to grant taxi licenses to James Murphy and Kristine Monje, pending receipt of appropriate licensing fees, certificates of insurance naming the Town

as certificate holder, appropriate approvals by the NSPD and with the stipulation that drivers state rates to passengers prior to departure.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

4. Act on resolution re: legislative changes to assist the BI Medical Center to deliver medications and x-ray services on Block Island

Present for BIHS were Executive Director Barbara Baldwin and board members Bill McCombe and Kay Lewis. Executive Director Baldwin said RI Director of Health Michael Fine suggested BIHS seek legislation that would provide for the waiver of some licensure requirements in very narrow circumstances if the need to dispense medication or take X-Rays at the Medical Center continues. Councilor McGarry supported the action but could not vote for the resolution because it was provided after the Council's agenda deadline.

Mr. McGarry moved to support the legislation that mimics the text of the resolution, seconded by Mr. Warfel.

Ms. Gaffett moved to amend the motion to sign and adopt the resolution, seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

First Warden Gaffett called the amended motion: to support legislation that mimics the text of the resolution, and to sign and adopt the resolution.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

5. Act on RI EMA request to place a camera at Old Harbor (near dock master building) for Homeland Security use.

The RIEMA representative could not attend the meeting, and Council members had some unanswered questions about the request to monitor oceangoing vessel traffic and ocean activity from a camera mounted on the Harbormaster's shack or the roof of the Sewer plant.

Mr. McGarry moved to table the item to the next meeting, seconded by Mr. Warfel.

Ayes: 2 (McGarry, Warfel) Nays: 3 (Gaffett, Lacoste, Pike)

Discussion continued.

Mr. Lacoste moved that the Town may have a theoretical interest in placing a camera at Old Harbor, and invites John Reindeau of Rhode Island Port Security to a meeting to explain the request. Motion was seconded by Mr. McGarry.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

6. 2013/2014 DEM hunting regulations:

- Receive and act on Deer Task Force recommendations; and
- Review and act on proposed DEM 2013-2014 Hunting Regulations

The draft hunting dates are as requested by the Town Council with the exception of two pheasant hunting days which were switched to Christmas and New Year's Day by the DEM. The Deer Task Force declined to offer comment or advice.

Ms. Gaffett moved to notify the DEM that the Town would prefer the original pheasant hunting dates, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to ask the DEM if there their regulation 1.3.2.4 contains a typo and should refer to 1.16.2 regarding the purchase of deer permits. Motion was seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Discussion: Killing antlerless deer, especially does, was said to be more effective for reducing the deer herd than killing bucks. There was some disagreement over whether limiting the number of antlered deer would encourage people to shoot more does or fewer bucks.

Mr. Pike moved to request that the DEM allow hunters to take only one buck on Block Island, seconded by Mr. Warfel.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Nays: 1 (Gaffett)

7. Consider and act on appealing PUC decision regarding Interstate Navigation Application to Change Rates (Division PUC Docket 4373)

Mr. McGarry led the discussion and encouraged the Council to appeal the PUC's decision when it is handed down. He said the rate structure removes freight as a lifeline services and it is not reasonable. A long discussion ensued. The Town Council agreed to meet as soon as possible after the written decision is received.

8. Receive and act on Electric Utility Task Group recommendations re: engineering analysis of Deep Water Wind turbine decommissioning, and net metering

The Town Council already voted to retain Stanley White Engineering LLC for the decommissioning cost analysis. A discussion regarding net metering ensued. The Town Council heard from Jim Dewey and John Warfel regarding issues with Block Island Power Company's net metering policy: they said there was too much discretion regarding what systems qualified, it was not clear how the systems were rated for output (only small systems qualify under the policy), there have been long delays for meters, it is difficult for summer residents to benefit under the system because accounts are netted to zero each month, and an avoided cost credit is offered for wind systems but not for photovoltaic. The PUC is not treating this as an open docket, so any revisions to the existing agreement between the Town and Block Island Power Company will be voluntary.

First Warden Gaffett moved to accept the recommendation of the Electric Utility Task and initiate negotiations to develop an updated policy of net metering with the Block Island Power Company. Motion seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

9. Review and act on response to CRMC re: proposed new section "Experimental Coastal Erosion Control"

The CRMC is proposing new regulations for the Salt Pond Region Special Area Management Plan that would allow experimental erosion control on the Matunuck and Misquamicut headlands. Block Island is not included. Discussion ensued. The Town Council agreed it would benefit Block Island to be included.

First Warden Gaffett moved to authorize the Town Manager to submit a letter to the CRMC proposing the inclusion of Block Island in the program to allow experimental coastal erosion control. The motion as seconded by Second Warden Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

10. Update on Beach Pavilion repairs

The Town Manager provided an update on the Beach Pavilion repairs: work is continuing. The new roof is on. Electrician Tammy Tyler is working on lights and wiring. Power has been restored to the concession. Babcock is repairing the broken drains under the building. Structural beams will be sistered beneath the deck. Repairs are covered by flood insurance and the Interlocal Trust.

11. Receive and act letter from Blues on the Block re: summer concert series

First Warden Gaffett moved that the Town sponsor the Blues on the Block summer concert series on July 10, 2013, July 24, 2013 and August 7, 2013 and if a sponsor is found for August 7, 2013 per their letter of request, and grant permission for the use of the town's beach pavilion. The motion was seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

12. Correspondence: Jon and Jane Emsbo re: Deep Water Wind project; CRMC re: appeal period for Sun Farm Oyster decision (file # A2012-06-020)

No action was needed and none was taken.

13. Receive and act on minutes: May 1, 2013, April 25, 2013; April 15, 2013 (open and closed); review minutes of May 6, 2013 Financial Town Meeting

A motion to approve the minutes of May 1, 2013, April 25, 2013, and April 15, 2013 (open and closed) as amended was made by First Warden Gaffett and seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel)

Nays: 0

14. Town Solicitor update on litigation (The following items may be discussed or acted upon in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation)

At 10:20, Ms. Gaffett moved to enter executive session for an update on litigation (“Transfer Station Litigation” Waste Haulers BI, LLC vs. BI Recycling Management, Inc. and “Old Harbor Triangle” TNS vs. Filippi et al) pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation. The motion was seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel)

Nays: 0

• Waste Haulers BI, LLC vs. Block Island Recycling Management, Inc, et als (WC 11-729) “Transfer Station Litigation;”

Mr. McGarry recused and left the room. In closed session, Attorney Katherine Merolla updated the Town Council regarding the litigation.

• TNS vs Filippi et al (WCSC2004-0115) “Old Harbor Triangle”

In closed session Attorney Merolla updated the Town Council regarding the litigation.

At 11:10, a motion to adjourn the closed session and seal the minutes was made by Mr. Lacoste and seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel)

Nays: 0

First Warden Gaffett reported no motions were made during the closed session meeting.

At 11:10, Mr. McGarry moved to adjourn, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel)

Nays: 0

Minutes approved June 5, 2013

Fiona Fitzpatrick,
Town Clerk